

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 2, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 204, HB 74, HB 152,
2/27/2001
Executive Action: HB 311, HB 152, HB 74, HB 204

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HEARING ON HB 204

Sponsor: REP. ROD BITNEY, HD 77, Kalispell

Proponents: Robert Throssell, Montana Association of Clerk and
Recorders

Elaine Gravelly, Secretary of State Office

Opponents: Matthew Leow, MONT PIRG

Opening Statement by Sponsor:

REP. ROD BITNEY, HD 77, Kalispell, EXHIBIT(sts48a01) explained this bill would clarify how names were removed from voter registration lists.

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk and Recorders, gave the example of Missoula County where there were 58,000 active registered voters, but 28,000 inactive voters with the list continuing to grow. He told the committee that a person on the inactive list had the right to appear and vote if there was a federal office on the ballot. **Robert Throssell** added that these lists had to be prepared and taped. He said this bill would not eliminate this because this was federal law; this bill would, however, shorten the time period as to how long these lists would have to be generated following the time span in which the person had not voted. **Mr. Throssell** stated that a person could always go to the election administrator to be reactivated on the list and would then be allowed to vote again.

Elaine Gravelly, Deputy Secretary of State in Charge of Elections, EXHIBIT(sts48a02) supported this bill.

Opponents' Testimony:

Matthew Leow, MONT PIRG, questioned if there was a need for this bill, adding that there would be serious consequences if this bill passed. **Matthew Leow** added that this bill would adversely affect voter participation.

Questions from Committee Members and Responses:

SEN. KEN TOOLE asked **REP. BITNEY** if a person voted in 1996 in a federal election, would you then be purged in 2000. **REP. BITNEY** responded that if you didn't vote in November of 2000, you would then be sent a letter stating that you would be put on an inactive list in 2001. He added you would still be eligible to vote under current law in 2002, even though you would still be on the inactive list and you would still be eligible to vote in 2004. **REP. BITNEY** said you would have to miss three general federal elections in current law. This law would change that to two general federal elections.

SEN. EVE FRANKLIN asked **REP. BITNEY** what the concept was in basing this bill on the number of federal elections. **REP. BITNEY** answered that requirement was based on the National Voters Rights Act.

SEN. FRANKLIN asked **REP. BITNEY** to what degree could any judgement be used in interpreting the federal law. **REP. Bitney** responded that this was still open to interpretation.

SEN. FRANKLIN asked **Robert Throssell** how this bill would relate to local election such as school elections. **Mr. Throssell** replied that currently, a person would need to be on the active list in order to vote for school district issues.

SEN. FRANKLIN asked **Robert Throssell** if this could be accomplished other than through statutes. **Mr. Throssell** answered that, yes, the legislature could set policy for those elections.

SEN. DON HARGROVE asked **Robert Throssell** how many people might not vote because of this bill. **Robert Throssell** responded that he didn't know what the actual numbers would be.

SEN. HARGROVE asked **Robert Throssell** if he had any data concerning the number of people that would not vote. **Robert Throssell** replied that he did not have any data on that.

SEN. HARGROVE asked **Matthew Leow** if he had any data concerning the number of people that would not vote. **Matthew Leow** responded that he did not have any data on that.

Closing by Sponsor:

REP. ROD BITNEY, HD 77, closed HB 204 by telling the committee that current law allowed the voter to miss three general elections, but this bill would change that to two general elections.

HEARING ON HB 74

Sponsor: **REP. EDITH CLARK, HD 88, Sweetgrass**

Proponents: **Kelly Jenkins, General Counsel for the Montana Public Employee's Retirement Board**
Tom Bilodeau, MEA-MFT
Tom Schneider, Montana Public Employees Association
Bob Lane, Department of Fish, Wildlife and Parks

Bernard Jacobs, Department of Livestock
Terry Teichrow, MPERA
Mark Anderson, Montana Game Warden Association
Bob Furie, Probation and Parole
Morris McLees, MSU Police
Nick Chesterfield, Game Warden Association
Jim Smith, Montana Game Wardens

Opponents: None

Opening Statement by Sponsor:

REP. EDITH CLARK, HD 88, Sweetgrass, said this bill would address a needed change in the retirement system benefit for game wardens, and peace officers. She added that this bill was actuarially sound.

Proponents' Testimony:

Kelly Jenkins, General Counsel for the Montana Public Employees' Retirement Board, EXHIBIT(sts48a03) explained the game wardens and peace officers retirement systems.

Tom Bilodeau, MEA-MFT, told the committee this bill would bring the game warden and peace officers pension programs up to the standard used by the protective services pension programs. **Mr. Bilodeau** stated this would bring the pension plans into uniformity. He said the system could afford this bill and that it would be paid for by an increase in employee contributions.

Tom Schneider, Montana Public Employee Association, stated that this was an opportunity to create a benefit that would not create an unfunded liability. He added that if the change was made now, then everybody that would come into the system would pay for this benefit by automatically starting to contribute.

Bob Lane, Department of Fish, Wildlife and Parks, EXHIBIT(sts48a04) supported this bill.

Bernard Jacobs, Department of Livestock, urged a do pass on this bill.

Terry Teichrow, MPERA, supported this legislation.

Mark Anderson, Montana Game Warden, requested support for this bill.

Bob Furie, Probation and Parole Officer, supported this bill.

Morris McLees, MSU Police, supported this bill.

Nick Chesterfield, Game Warden Association, asked the committee to support this bill.

Jim Smith, Montana Game Wardens, urged support.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. CLARK, HD 88, closed HB 74.

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EXECUTIVE ACTION ON HB 311

Discussion:

David Niss, legislative services, explained that HB 311 required the Division of Disaster Emergency Services within the Department of Military Affairs adopt a uniform evacuation plan. It also required that the person in front of the fire be informed of the plan to evacuate the person. **David Niss** said that currently, the bill stated the person informed of the need to evacuate could remain on their property. He said one of the committee members requested an amendment to require that the person leave the property and that an adult could stay on the property, but minors would have to leave the property. **Mr. Niss** said the bill had been passed as amended.

SEN. ED BUTCHER asked what would happen if they changed the words from "plan" to "procedure" in amendment HB031103.adn

EXHIBIT (sts48a05). **David Niss** explained that the Department of Military Affairs was more comfortable with that wording. **David Niss** told the committee that there was another amendment that would change the requirement that state and local resources could use to support the evacuation from a mandatory requirement for evacuation to a permissive evacuation which would allow state resources to be used for an evacuation.

SEN. BUTCHER told the committee that by using the word "may", lawsuits could be averted.

SEN. ELLIOTT asked why this new amendment was needed. **David Niss** explained that the amendment would read assistance within available resources may be provided to an evacuee who seeks the assistance. He added that the difference caused by the amendment was a requirement that assistance be provided versus a discretionary decision to provide assistance.

Motion/Vote: **SEN. BUTCHER** moved **TO RECONSIDER HB 311**. Motion carried 5-0.

Motion/Vote: **SEN. BUTCHER** moved **AMENDMENT HB031103.ADN**. Motion carried 5-0.

SEN. TOOLE said that someone refused to evacuate in Colorado and a firefighter was killed when he went back in. He urged the committee to kill this bill. **SEN. TOOLE** added that sometimes the people choosing to stay did not have all the necessary information to make that decision.

SEN. HARGROVE stated this bill required that they had a plan.

Motion/Vote: **SEN. BUTCHER** moved that **HB 311 BE CONCURRED IN AS AMENDED**. Motion carried 7-1 with Toole voting no.

HEARING ON HB 152

Sponsor: **SEN. DAVE GALLIK, HD 52, Helena**

Proponents: **Kelly Jenkins, Montana Public Employees Retirement Board**

Tom Schneider, Montana Public Employees Association

Tom Bilodeau, MEA-MFT

Bob Bergren, Montana State Firemen Association

Opponents: **None**

Opening Statement by Sponsor:

SEN. DAVE GALLIK, HD 52, Helena told the committee this was a revision bill. He added this bill had clear and consistent terms and procedures.

Proponents' Testimony:

Kelly Jenkins, Montana Public Employees Retirement Board, EXHIBIT (sts48a06) explained the table for HB 152 to revise public retirement laws.

Tom Schneider, Montana Public Employees Association, supported this bill.

Tom Bilodeau, MEA-MFT, supported this legislation.

Bob Bergren, Montana State Firemen' Association, expressed support for this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HARGROVE asked **Kelly Jenkins** if some of the terms were the same as some of the other retirement systems. **Kelly Jenkins** responded that this bill would provide consistent terminology between the systems.

Closing by Sponsor:

REP. GALLIK, HD 52 closed HB 152.

EXECUTIVE ACTION ON HB 152

Motion/Vote: **SEN. BUTCHER** moved that **HB 152 BE CONCURRED IN.**
Motion carried unanimously.

EXECUTIVE ACTION ON HB 74

Motion/Vote: **SEN. ELLIOTT** moved that **HB 74 BE CONCURRED IN.**
Motion carried unanimously.

EXECUTIVE ACTION ON HB 204

Discussion:

SEN. TOOLE told the committee that he liked to make it easy for people to vote. He understood and was concerned about the long inactive voter list, but still wanted to allow all those people the opportunity to vote.

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SEN. BUTCHER stated this could help to prevent voter fraud. He said there was also a sense of responsibility for registering.

SEN. BUTCHER said there needed to have a voting system above reproach.

SEN. ELLIOTT said he agreed with **SEN. TOOLE** in making it easier to vote. **SEN. ELLIOTT** stated that this bill addressed the issue of the large volume of paperwork that the clerk and recorders deal with.

SEN. HARGROVE asked why the clerk and recorders would have less work with this bill. **SEN. TOOLE** responded it was because of the volume issue.

SEN. FRANKLIN told the committee that this was a public education issue as well. She said the people still wouldn't know how many elections they could miss. **SEN. FRANKLIN** expressed she would like to see a greater effort put forth toward public education.

SEN. BUTCHER said that clerks and recorders do advertise a lot in a variety of ways.

Vote: Motion DO PASS HB 204 carried 7-1 with Toole voting no.

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts48aad)